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UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

SITE:	SR
BREAK:	10.4
OTHER:	SS0348

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SOLVENTS RECOVERY SERVICE
OF NEW ENGLAND,

Defendant.

Civil Action
No. H79-704



SDMS DocID

550348

DEPOSITION of JOHN L. BEAN, taken pursuant to
subpoena, at the Holiday Inn West, 81 Riverside Street,
Portland, Maine, on Friday, October 2, 1981, commencing at
10:21 A.M., before M. H. Waldron, Jr., a Notary Public in
and for the State of Maine.

APPEARANCES:

For the Plaintiff:

JOEL G. BLUMSTEIN,
Attorney at Law

For the Defendant:

MARION PERCELL,
Attorney at Law

For the Board of Water
Commissioners of the Town of
Southington:

DAVID P. KELLEY,
Attorney at Law

MARSHALL H. WALDRON, JR.

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*Rec'd
11/13/81
LRS*

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DEPONENT: John L. Bean

Examination by: Ms. Percell
Mr. Blumstein2
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STIPULATIONS

It is hereby agreed by and between the parties that signature and formal notice of filing are waived.

- - - - -

JOHN L. BEAN, having been duly sworn by the Notary Public, was examined and deposed as follows:

EXAMINATION

BY MS. PERCELL:

Q Mr. Bean, my name is Marion Percell. I'm an attorney representing Solvents Recovery Service of New England in a lawsuit brought by the United States Government.

Have you ever -- ever been deposed before? Have you ever seen this kind of a proceeding before?

A No.

Q I'm going to ask you a series of questions. If there's anything that you don't understand, please stop me and ask me to clarify the question. I don't want to confuse you in any way.

Your -- my questions and your answers will be taken down by the court reporter, so it's important that you remember to answer out loud, because he cannot record it if you're nodding your head.

When I'm finished, these other two gentlemen who represent other parties in the lawsuit will have an opportunity to ask you questions if they so desire.

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1 Is there anything that you want to ask me about
2 this proceeding?

3 A My hearing isn't the best, so I'll ask you to speak up.

4 Q Okay.

5 A I don't wear a hearing aid. If you speak softly, I may
6 have to ask you to repeat the question.

7 Q Okay. I'll do my best.

8 A Okay.

9 Q If you can't hear --

10 A That's fine.

11 Q -- make sure to ask me.

12 Are you presently employed?

13 A Part-time.

14 Q And, what kind of a position is it that you're working
15 in?

16 A Maintenance at a motel in Ogunquit.

17 Q How long have you been doing that?

18 A Since the latter part of last summer.

19 Q Um-hum. And, before that, were you working?

20 A No.

21 Q Were you in retirement for a period of time?

22 A I retired from the Southington Waterworks Department
23 August 12, 1978.

24 Q When did you begin working for the Southington Water-
25 works?

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1 A I was officially appointed superintendent of Southington
2 Waterworks Department April -- I beg your pardon -- that's
3 correct, April 1st, 1972.

4 Q Had you -- so, when you began there, you began as the
5 superintendent; is that correct?

6 A I worked under the former superintendent, Mr. Bowers,
7 for one month prior to taking over April 1 of 1972.

8 Q Did Mr. Bowers, then, train you and tell you about the --
9 the current situation there when you began?

10 A It is my recollection that he reviewed the operation
11 with me during that month, yes.

12 Q At that time, how many wells were in operation in the
13 Southington Waterworks?

14 A Five.

15 Q Can you identify those wells for me?

16 A No. 1, No. 2, No. 3, No. 4, and No. 5 had just been
17 placed on the line or was ready to go on the line. I don't
18 recall exactly the date that it was put into service.

19 Q Do you recall when construction began on Well No. 5?

20 A Would you repeat the question, please?

21 Q Can you recall when construction began on Well No. 5?

22 A No. That was done prior to my arriving in Southington.

23 (There was an interruption.)

24 MS. PERCELL: We can go off the record for a
25 second.

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1 (Discussion off the record.)

2 Q Did you review documents in the files of the Waterworks
3 during that first month or during the months after that? Did
4 you look at -- in other words, did you look at papers that
5 had already existed in the files before you started?

6 A Yes.

7 Q Did you, at any time, have access to Department of
8 Environmental Protection files that might be relevant to your
9 operation?

10 A Not during that first month.

11 Q But, at some time subsequent, you did?

12 A Yes.

13 Q Do you recall when you first became aware of the
14 existence of a company named Solvents Recovery Service?

15 A No.

16 Q Were you aware within the first year you were employed
17 of the company, either by name or because you knew the
18 operation existed nearby?

19 A I would assume that I became aware of it during that
20 first year, yes.

21 Q Did you know the kind of work that they were doing?

22 A Not definitely, no.

23 Q Did you know that they dealt with chemicals?

24 A It is my recollection that I was told that they did
25 collect solvents throughout the State of Connecticut and

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1 process them at the plant there on Curtis Street.

2 Q I'm going to ask the reporter to mark this document for
3 identification purposes and then show it to you and ask you if
4 you've ever seen it.

5 (Deposition Exhibit No. 1 was marked for
6 identification by the reporter.)

7 (Discussion off the record.)

8 A No. I have never seen this before.

9 Q Thank you.

10 MR. BLUMSTEIN: Could you identify that document,
11 please?

12 MS. PERCELL: Yeah. I'm sorry.

13 This is a memo from a John R. Orintas,
14 O-R-I-N-T-A-S, to James P. Galligan, both of the Fisheries
15 Department of the State of -- I assume of the State of
16 Connecticut, and it's dated May 25th, 1960.

17 Q Now, I'm going to ask you to look at another document.
18 This one is written by a David C. Wiggin, W-I-G-G-I-N,
19 director of the Sanitary Engineering Division of the State of
20 Connecticut, State Department of Health, to Mr. Bowers and
21 dated August 2, 1965.

22 (Deposition Exhibit No. 2 was marked for
23 identification by the reporter.)

24 (Discussion off the record.)

25 A I do not recall ever seeing this before.

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1 Q Okay. Thank you.

2 Do you recall ever discussing with Mr. Bowers the
3 possibility that the Curtis Street well field or other areas
4 might be contaminated?

5 A No.

6 Q Did you ever discuss with Mr. Bowers the possibility
7 that Well No. 4 or Well No. 5 might be contaminated?

8 A No.

9 Q Have you spoken to Mr. Bowers since he left the Water-
10 works in 1972?

11 A Oh, yes.

12 Q Have you ever heard of a company called Southington
13 Excavators?

14 A I'm not familiar with them, no.

15 Q Did Mr. Bowers ever express any concern to you about the
16 effects of the Solvents Recovery Service operations on the
17 well field?

18 A After tests showed that contaminants were appearing in
19 Well No. 6, I feel certain that we did discuss the operation
20 at Solvents Recovery.

21 Q Did Bowers have any active involvement in the operation
22 at that time?

23 A No.

24 Q Can you tell me in what context those conversations
25 would have taken place?

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1 A It is my recollection that he explained to me that
2 Solvents Recovery had been operating for several years and
3 that the Connecticut State Health Department had been
4 monitoring their activities for a considerable period of
5 time.

6 Q At the time that Mr. Bowers told you this, was this
7 something that you already knew?

8 A It is difficult for me to now determine when operations
9 at Solvents Recovery became familiar to me.

10 Q Can you identify it even as well as which decade it was,
11 whether it was in the 1970s, early 1970s or late 1970s?

12 A As I stated earlier, the subject became current when we
13 determined that we had detrimental chemicals showing up in
14 the water samples in 4 and 6, Well Nos. 4 and 6.

15 Q So, prior to the date that test results showed
16 contaminants in those wells, the operations of Solvents
17 Recovery Service were not of any particular concern to you?

18 A No.

19 Q Going back to the period when you first took over the
20 operation, did you go out to the sites of the various wells
21 that were in operation?

22 A Yes.

23 Q Did you look at the wells and did you look at the areas
24 surrounding the wells?

25 A Yes.

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1 Q Had you lived in the area of Southington prior to this?

2 A Would -- would you repeat that question?

3 Q I -- I asked if you had lived in the Southington area
4 prior to this.

5 A Yes. I was superintendent of the Bristol Water
6 Department from 1978 until August 1st -- I beg your pardon --
7 1958 to August 1st, 1966.

8 Q Prior to becoming superintendent of the Bristol Water
9 Department, where were you employed?

10 A Metcalf & Eddy, engineers in Boston.

11 Q And, what was your position with them?

12 A Junior engineer.

13 Q And, when did you begin with them?

14 A Would you repeat the question, please?

15 Q When did you begin working for Metcalf & Eddy?

16 A In July of 1975.

17 Q As a junior engineer, were your -- was your work
18 connected with water quality or water or anything else
19 connected with water?

20 A Not in particular, no.

21 Q Did you have any special training to become
22 superintendent of the Bristol Water Department?

23 A I graduated from Northeastern University in 1940 with a
24 bachelor of science degree in civil engineering.

25 Q And, where did you become employed at that point, in

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1 1940?

2 A In the fall of 1940, I went to work for the Packard
3 Dredging Company. In March of 1942, I was drafted into the
4 Army and released in August of 1945.

5 Q And, what did you do in August of 1945?

6 A I had six months' leave coming. In March of 1946, I
7 went to work for the Town of Ayer, Massachusetts, as
8 superintendent of the water department and later became
9 superintendent of public works, having charge of highway,
10 water and sewer for the Town of Ayer.

11 Q And, when did you leave the Town of Ayer?

12 A In March of 1952.

13 Q And, where did you go at that time?

14 A I went into the contracting business with a partner and
15 stayed in that operation until July of 1957 when I went to
16 work for Metcalf & Eddy.

17 Q Since 1940, when you graduated with a degree in civil
18 engineering, have you had any special courses or special
19 training in relationship to -- which would provide training
20 for a position as a superintendent of a waterworks?

21 A I became a member of the New England Waterworks
22 Association, attended many of their meetings.

23 While I was with the Briston Water Department, they
24 allowed me to go to a management school for waterworks
25 managers at the University of Illinois.

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1 I believe that's about the total.

2 Q Prior to your employment in Southington, had you ever
3 had any experience with wells or well fields that were
4 actually polluted?

5 A No.

6 Q Had you ever had any training that would be relevant to
7 that matter?

8 A No.

9 Q When you started with the Southington Water Department
10 in 1972, were the wells then in existence of adequate
11 capacity for the town's needs?

12 A It is my recollection that the start-up of Well No. 5,
13 which took place shortly after I arrived, put Southington in
14 a fair state with regard to supply.

15 Q Did there come a time when that was no longer the case?

16 A Prior to my coming to Southington, I was told that the
17 water consumption had to be curtailed - I believe it was the
18 summer before - because of short supply. That condition did
19 not exist as long -- as long as I was there. It was obvious
20 to me that additional supplies had to be located.

21 Q So, it was obvious to you as early as when you began
22 there?

23 A Yes.

24 Q That you would -- you would need a new well?

25 A Yes.

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1 Q Do you recall when plans to develop a new well began?

2 A The record shows that 2-1/2 -- 2-1/2-inch test wells were
3 drilled for Well No. 6 starting September 29, 1975.

4 Q You seem to be referring to a document. Could you just
5 identify for me what document that is?

6 A United States District Court, District of Connecticut,
7 United States of America, Plaintiff, Versus Solvents
8 Recovery Service of New England, Defendant, Civil Action No.
9 H79-704.

10 Q I -- may I explain to you that this caption that you've
11 just read us identifies all of the papers in the present
12 lawsuit. I believe that it's the line below that that
13 identifies what this document is. Would you mind reading us
14 that caption there?

15 A Answers of the Intervenor Plaintiff, Board of Water
16 Commissioners for the Town of Southington to the First Set of
17 Interrogatories of the Defendant, Solvent -- Solvent --
18 Solvents Recovery Service of New England.

19 Q Did you play a part in helping to answer those questions
20 to provide that information?

21 A No, I did not.

22 Q So, when you refer to that document, are you referring
23 to someone else's recollection of the dates?

24 A This information, I am led to believe, was taken from
25 the files at the Southington Waterworks Department office.

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1 MR. KELLEY: The record should show that I
2 provided Mr. Bean with a copy of that on Tuesday of this
3 week.

4 Q And, your -- to -- to the best that you recall, that
5 agrees with your recollection?

6 A Yes. That is correct.

7 Q What you have just told me was when the drilling of the
8 test wells actually began. Do you recall how much earlier
9 you began to consider looking for a suitable location for a
10 sixth well?

11 A Not at the present time, no.

12 Q With whom would you have discussed that question?

13 A More than likely, the Board of Water Commissioners.

14 Q Was the decision to drill a new well made by you?

15 A I did not have a voting right on the Board. The Board
16 of Water Commissioners has that authority.

17 Q So, the decision would be made by the Board of Water
18 Commissioners?

19 A Yes.

20 Q Did you make a recommendation to the Board of Water
21 Commissioners?

22 A More than likely I did, yes.

23 Q And, to the best of your recollection, you advised them
24 that it would be a good idea to drill a new well?

25 A Yes.

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1 Q Who made the decision as to where the well would be
2 drilled?

3 A I would assume that I made the recommendation to the
4 Board of Water Commissioners.

5 Q Can you tell me what you recommended to the Board of
6 Water Commissioners?

7 A I would assume that I recommended that a site north of
8 Well No. 4 be investigated for an additional supply.

9 Q Do you remember why you initially chose that location?

10 A Yes. When Well No. 4 was investigated, 2-1/2-inch test
11 wells were driven north of Well No. 4 and one 2-1/2-inch test
12 well, which proved later to be close to the actual site of
13 Well No. 6, indicated a promising site.

14 The land was, at that time, owned by the Town of
15 Southington.

16 An additional factor that had bearing on that
17 decision was the fact that that particular property was
18 adjacent or relatively close to the distribution system,
19 making it reasonably economical to tie a proposed new site
20 into the existing system.

21 Q What was it about the particular test well that
22 indicated a promising site?

23 A The record showed production greater at that
24 particular location than any of the other test wells in the
25 area. I don't recall the number of gallons per minute at the

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1 present time, but I do recall that it was considerably higher
2 than any of the other test wells that had been driven on that
3 particular piece of property.

4 Q I'm going to show you another document. This is a
5 letter from Walter Amory, Consultant Engineers addressed to
6 you dated June 24, 1975.

7 MS. PERCELL: And, I'd like to have it marked for
8 identification.

9 Off the record.

10 (Discussion off the record.)

11 (Deposition Exhibit No. 3 was marked for
12 identification by the reporter.)

13 Q Would you take a look at this and tell me whether you
14 recognize it?

15 A Yes. I recall receiving this document.

16 Q Can you tell me who Walter Amory is?

17 A He is a sanitary construction -- consulting engineer.

18 Q Do you recall when you first met him?

19 A Walter worked for Metcalf & Eddy when I was employed by
20 them.

21 Q How did he come to be a consulting engineer for the
22 Waterworks in Southington?

23 A While employed by the Bristol Water Department, Walter,
24 still working for Metcalf & Eddy, did several projects for
25 Bristol. I found him to be a very capable engineer.

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1 At the time that I returned to Connecticut from New
2 York to work for the Southington Water Department, Walter
3 Amory left Metcalf & Eddy and opened his own consulting firm
4 on the Cape.

5 Knowing that he was in business for himself and
6 believing him to be very capable, I recommended that the Board
7 of Water Commissioner -- Board of Water Commissioners employ
8 Walter to design this Well No. 6.

9 Q And, I gather they followed your recommendation?

10 A Yes, they did.

11 Q Do you recall who the members of the Board of Water
12 Commissioners at the time were?

13 A James Kennedy, Chairman, Mr. Curtiss, Mr. Mongillo,
14 Frank DeLuco and Kenneth Cook.

15 I believe there's five. Do I have five?

16 Q Yeah.

17 Okay. I wanted to ask you: At the beginning of
18 the third full paragraph in this June 24th letter, Walter
19 Amory indicates, "We understand that the proposed well, Well
20 No. 6, is to be located in the vicinity of -- the vicinity
21 of existing Well No. 4 near Curtis Street." Is it your
22 recollection that he had received that information from you?

23 A I believe so, yes.

24 Q Can you tell me what happened when -- strike that.

25 Did Walter Amory investigate the best possible site

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1 for the new well?

2 A Yes. Additional 2-1/2-inch test wells were driven under
3 Walter's supervision with an effort to locate the best
4 possible site on the property.

5 Q Did Walter Amory make the decision about where those
6 test wells should be located?

7 A Yes, he did.

8 Q I'm going to ask you to look at a copy of a handwritten
9 note dated October 24th, 1975, which appears to bear your
10 signature and is addressed to someone named Vinnie.

11 (Deposition Exhibit No. 4 was marked for
12 identification by the reporter.)

13 (Discussion off the record.)

14 Q Can you tell me if you recognize that and if that is
15 your handwriting?

16 A It is my handwriting.

17 Q Unfortunately, I only have one copy of this, so I have
18 to --

19 In the beginning of the third full paragraph, you
20 say that, Walter wants the following on the first two samples.
21 I gather from this, and I'm asking you whether I'm correct,
22 that Walter Amory made the decision about what things -- what
23 tests should be made and how many samples should be made?

24 A That is correct.

25 Q Was that true consistently throughout this testing

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1 process?

2 A Yes. I believe it was.

3 Q Was the Board of Water Commissioners itself involved in
4 any of the decision making as to the testing of the water in
5 these test wells?

6 A Not to my knowledge, no. They relied on Walter's
7 advice.

8 Q Can you describe for me, to the best of your
9 recollection, what happened when the test wells were dug and
10 what was found?

11 A This is for Well No. 6 you're speaking about?

12 Q Yes, I am.

13 A Okay.

14 Additional test wells were driven throughout the
15 site, but after analyzing the results of all of them, we came
16 back to the original test well that later was developed for
17 Well No. 6 as being the best one.

18 Q Were the additional test wells north or south of the
19 original test well?

20 A North.

21 Q Do you recall the reason that you looked north rather
22 than south or east or west?

23 A Yes. Our effort was to stay as far away from Well No.
24 4 as possible so that there would not be any interference one
25 well with another.

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1 Q And, what results did you get from the test? What was
2 wrong with the results that you got from the test wells
3 further north?

4 A The aquifer was too tight, indicated that the sand was
5 finer and that adequate -- adequate quantities of water were
6 not available.

7 Q I'm going to show you a letter from Walter Amory,
8 Consultant Engineers addressed to the Board of Water
9 Commissioners and dated November 24, 1975, and signed, it
10 appears, by Walter Amory.

11 (Deposition Exhibit No. 5 was marked for
12 identification by the reporter.)

13 (Discussion off the record.)

14 Q Can you tell me if you have seen that document before?

15 A Yes, I have.

16 Q Can you please read me the first paragraph on Page 3 of
17 that document?

18 A "Of Wells Nos. 1 through 5, Test Well No. 2 showed the
19 most promise as a production well site. The well was driven
20 55 -- 55 feet to refusal through 53 feet depth of saturated
21 coarse material. The well pumped at 50 gallons per minute.
22 However, field analysis indicated a very poor quality of
23 water, iron, 4.5 parts per million, manganese at .4 parts per
24 million and a strong sulfur odor."

25 Q Can you tell me, does that refresh your recollection as

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1 to a problem with one of those test wells? Do you remember
2 that to be an accurate description?

3 A Would you repeat the question, please?

4 Q Do you remember whether that is an accurate description
5 of events?

6 A I believe it is.

7 Q Do you recall having any discussions about that with
8 Walter Amory or with anyone else?

9 A No, I don't.

10 Q Do you recall the location of this 2-1/2-inch test well,
11 No. 2?

12 A It is my recollection that it was up at the northern end
13 of the site.

14 Q Did the very poor water quality of this well --

15 MR. KELLEY: Which well?

16 MS. PERCELL: I'm talking now again -- or still,
17 rather, about Test Well No. 2.

18 MR. KELLEY: He's already testified he doesn't
19 remember discussing it with anybody. Wasn't that his
20 testimony?

21 MS. PERCELL: He remembers the facts. I'm about to
22 ask him about the facts, not the discussions.

23 MR. KELLEY: All right.

24 Q Did that affect its consideration as a site for a
25 production well?

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1 A Would you repeat that again, please?

2 MS. PERCELL: Would you read that question back?

3 (The pending question was read
4 by the reporter.)

5 A Yes. It was certainly at the northern end of the site
6 owned by the Town of Southington.

7 Q Um-hum.

8 A And, it would certainly indicate that it was not a very
9 desirable site.

10 Q Was that the reason that a production well was not
11 located at that site or -- or near that site in the northern
12 end?

13 A More than likely, it was.

14 Q I'm going to show you another letter now. This one is --
15 appears to be signed by Ray Jarema, that's J-A-R-E-M-A,
16 senior sanitary engineer with the Connecticut State
17 Department of Health, addressed to you and dated November
18 28th, 1975.

19 (Deposition Exhibit No. 6 was marked for
20 identification by the reporter.)

21 (Discussion off the record.)

22 Q Do you recall receiving that document?

23 A Yes, I do.

24 Q May I direct your attention to the second full
25 paragraph, second, third and fourth sentence?

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0006930

1 Would you mind reading that to me, please?

2 A "Enclosed is a copy of the laboratory results of the
3 water sample I collected during the new well's yield test.
4 Generally, the water quality appears to be satisfactory,
5 that is all results except the bacteriological results. The
6 coliform count was 220 confirmed coliform colonies per 100
7 milliliter. It's obvious that the well should be
8 rechlorinated and resampled to ascertain whether the coliform
9 count was due to construction contamination or another source."

10 Q Can you first identify for me what well he is referring
11 to there?

12 A Well No. 6.

13 Q Do you recall whether that's Well No. 6 after it was in
14 production or when it was an 8-inch test well or at some
15 other stage in the process?

16 A I would assume it was when we were testing the
17 production well.

18 Q The tests that he's referring to there were done by
19 whom; do you know?

20 A Well, it's my recollection I think he states in the
21 letter that he took samples. It was their practice when they
22 came out to take samples, and I believe he did.

23 Q And, let me see if I'm understanding this correctly.
24 He reported a high coliform count in the samples that he
25 found?

A Yes.

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CUMBERLAND CENTER, MAINE 04021

0006931

1 Q Do you recall having any discussions of that coliform
2 count with Walter Amory or with anyone else?

3 A No, I don't.

4 Q Okay. I'm going to show you another letter in the hope
5 that it will refresh your recollection as to some discussions
6 you may have had in this connection. The letter is dated
7 December 2, 1975. It is written to a Mr. David A. Jacobsen,
8 project engineer with Walter Amory, Consultant Engineers, and
9 seems to have been written by you.

10 (Deposition Exhibit No. 7 was marked for
11 identification by the reporter.)

12 (Discussion off the record.)

13 Q Please understand that this is not a test of your memory.
14 It's a number of years ago, and if you don't remember, you
15 don't remember.

16 A Well, obviously, I did write this letter.

17 And, your question about it was what?

18 Q Do you -- well, let me -- let me show you this one, also.
19 This appears to be Mr. Jacobsen's response, and it's a letter
20 dated November 6th -- 9th, 1975, from David Jacobsen and
21 addressed to you -- no, that's addressed -- I'm sorry. I
22 apologize. That's addressed to Mr. Jarema.

23 (Deposition Exhibit No. 8 was marked for
24 identification by the reporter.)

25 (Discussion off the record.)

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1 Q Do you recall these events? Do you recall the -- a
2 second sample being taken indicating no coliform bacteria?

3 A Yes.

4 Q Do you recall who made the decision not to resample
5 until the production well had been installed?

6 A No, I don't.

7 Q Do you recall any discussions or expressions of concern
8 about the presence of coliform bacteria in the test well?

9 A There was a discussion about the accuracy of the sample
10 that the State Health Department had taken. There was some
11 question in our minds, as I think is indicated by Jacobsen's
12 letter, as to whether the sample was accurate.

13 Q If there was a question as to whether the state sample
14 was accurate, and it appears from this letter that only one
15 more sample was taken, can you recall why a third sample was
16 not taken to determine which of the two were -- was the most
17 accurate?

18 A It's my recollection that the State Health Department
19 didn't press the issue, and for that reason, the third sample
20 was not taken at that time.

21 Q And, you didn't think at that time that it was important
22 to recheck the results?

23 A No. We had a lot of confidence in Newlands Sanitary
24 Laboratory.

25 Q When you say "we," who are you referring to?

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1 A Walter Amory and his engineers and myself.

2 Q So, at this point, you had no hesitancy about going
3 forward with the project?

4 A No.

5 Q And, really just to verify that, I'd like to have you
6 identify this piece of paper. It's a letter from you to Mr.
7 Walter Amory, dated January 28, 1976.

8 (Deposition Exhibit No. 9 was marked for
9 identification by the reporter.)

10 (Discussion off the record.)

11 Q Did you sign this letter?

12 A Yes.

13 Q So that as of January 28th, 1976, the Board of Water
14 Commissioners had voted to proceed with construction of the
15 well?

16 A Yes. Affirmative.

17 Q How far was that site from Well No. 4?

18 A It's my recollection that it's approximately 400 feet
19 north of Well No. 4.

20 Q Again, I'd like you to identify a document from Walter
21 Amory, Consultant Engineers, dated December 10th, 1975, and
22 addressed to you.

23 (Deposition Exhibit No. 10 was marked for
24 identification by the reporter.)

25 Q Does this letter, to the best of your recollection, set

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1 forth the work that Walter Amory was to provide and a budget
2 amount for construction of the production well?

3 A That is correct.

4 Q The next is a subsequent letter from Walter Amory,
5 Consultant Engineers, dated February 2, 1976, also addressed
6 to you.

7 (Deposition Exhibit No. 11 was marked for
8 identification by the reporter.)

9 Q Is it correct as stated in this letter that you had
10 authorized Walter Amory to proceed with the work as outlined
11 in the prior December 10th, 1975, letter?

12 A That is correct.

13 Q In a note in the center of the second page, it states
14 that the budget figure is based on the premise that -- that
15 Walter Amory would be advised by telephone by the Waterworks
16 Department of the contractor's daily progress. Did that, in
17 fact, take place?

18 A Yes.

19 Q Were you the individual who was in contact with Walter
20 Amory's firm with regard to the progress of construction?

21 A I was not alone. I made some telephone calls. Vincent
22 Susco also, at various times, talked to Walter's office, and
23 Ed Fox, also --

24 Q Did --

25 A -- were in touch with them.

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1 Q Did you personally observe the well being constructed?

2 A Yes.

3 Q I would also like you to identify this tabulation --
4 document entitled Tabulation of Bids Received, March 2, 1976,
5 in which it appears that Layne, L-A-Y-N-E, New England gave
6 the lowest bid for construction of gravel packed Well No. 6.

7 (Deposition Exhibit No. 12 was marked for
8 identification by the reporter.)

9 (Discussion off the record.)

10 Q Does this agree with your recollection?

11 A Yes, it does.

12 Q Do you recognize the document?

13 A Yes, I do.

14 Q So, was, in fact, Layne New England hired to go ahead
15 with the construction of the production well?

16 A That is correct.

17 Q Do you recall whether, at this time, you had an awareness
18 of the Solvents Recovery Service operations north of Well No.
19 6?

20 A As I stated earlier, the exact date as to when I became
21 familiar with their operation is not clear in my mind.

22 Q Do you know how far away from the proposed Well No. 6
23 the Solvents Recovery Service operation is located?

24 A It is my recollection that it's approximately 3,000
25 feet.

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1 Q Have you ever seen the site of Solvents Recovery Service?

2 A Yes, I have.

3 Q Do you recall when you first saw it?

4 A No, I don't.

5 Q Do you recall whether it was prior to 1977?

6 A No, I don't.

7 Q Do you have an understanding of the term "heavy metals"?

8 A I would have to answer no.

9 Q Are you aware that there are certain metals that are
10 toxic to health when ingested?

11 A Yes. Two in particular comes to mind, lead and mercury.

12 Q Do you recall why Walter Amory had not, prior to the
13 time we're speaking of, which is January, 1976, when the
14 construction was approved for the well, do you remember why
15 Walter Amory had not tested for lead and mercury?

16 MR. KELLEY: Well, we don't have that established
17 here.

18 Q Do you recall whether he had tested for lead and mercury?

19 A No, I don't.

20 Q Do you recall that water quality tests had been
21 performed on the test well -- test wells prior to that date?

22 A Samples had been submitted to Newlands Laboratory and to
23 the State Health Department.

24 Q Do you recall what components, what -- what the tests
25 consisted of?

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1 A No, I don't.

2 Q Did you have any input in what tests were performed?

3 A No.

4 Q Who was that decision made by?

5 A It is my recollection that Richard Woodhull of the State
6 Health Department indicated what tests had to be made.

7 Q And, who were those tests performed by?

8 A It is my recollection that Newlands Sanitary Laboratory
9 made some tests and that the State Health Department laboratory
10 also made tests.

11 Q Were the tests performed by Newlands Sanitary --
12 Sanitary Laboratory dictated by the State Health Department,
13 or were they made by -- under the direction of Walter Amory?

14 A I -- I don't know the answer to that question.

15 Q When did you first hear of a sample being taken of or
16 from the site that was to become Well No. 6 which showed any
17 pollutants other than coliform?

18 A It's my recollection that no pollutants showed up in the
19 tests of the water from Well No. 6 until the production well
20 was completed and pump tests were made to waste.

21 Q What pollutants showed up at that time?

22 A It is my recollection that these pollutants are shown in
23 Exhibit C, which is a part of Civil Action No. H79-704.

24 Q Can you tell me what that Exhibit C indicates were the
25 pollutants that showed up?

0006938

1 A The -- it is my recollection -- wait a minute. Let me
2 make sure I've got this right.

3 That the pollutant that was, for the most part,
4 the concern of the State Health Department was the 1600 parts
5 per billion of trichloroethylene.

6 Q When was trichloroethylene first detected?

7 A This exhibit shows sample taken 7-17-79.

8 Q Do you have no independent recollection of that amount --
9 maybe I should explain what I mean.

10 Do you recall the discovery of trichloroethylene
11 yourself, or do you only recall what you're reading in the
12 exhibit?

13 A No. I was not there. I retired in '78.

14 Q Were there any pollutants found in the well while you
15 were still employed?

16 A Yes. It's my recollection that the pollutants were
17 reported in samples taken from Well No. 6 when it was being
18 pumped at 1300 gallons per minute. And, it's my recollection
19 that the concern was then of lead and mercury.

20 Q Who performed that particular test?

21 A It is my recollection that those samples were taken and
22 reported by the State Health Department, Connecticut State
23 Health Department.

24 Q I'm going to show you another document to see if it
25 refreshes your recollection of these circumstances. This is

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1 a letter from Walter Amory, Consultant Engineers, dated August
2 11th, 1976. It is addressed to a Mr. Robert Taylor of the
3 Division of Water Compliance and Hazardous Materials, but it
4 appears to reflect a copy being sent to you.

5 MS. PERCELL: Off the record.

6 (Discussion off the record.)

7 (Deposition Exhibit No. 13 was marked for
8 identification by the reporter.)

9 Q Is it -- do you recognize this document? Do you
10 remember receiving it?

11 A Yes.

12 Q This indicates that the water sample indicating the
13 presence of lead and mercury was taken by the Department of
14 Health. Does that agree with your recollection?

15 A Yes.

16 Q Is that the first indication of lead and mercury that
17 you can recall?

18 A To the best of my recollection, that is true.

19 Q Do you have any knowledge of the circumstances under
20 which the Department of Health took that sample or the
21 reasons for them taking that sample?

22 A No. I would believe that they were aware of the fact
23 that we were testing the well and would ultimately ask for
24 their approval. And, for that reason, they had someone come
25 out and take samples.

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1 Q This letter also refers to Solvents Recovery Service
2 and indicates that -- that Solvents Recovery Service
3 discharged liquid waste to a sludge lagoon. At the time that
4 you received this letter, were you aware of the existence of
5 that sludge -- previous existence of that sludge lagoon?

6 A I am sure, as of the date of this letter, I was aware of
7 the Solvents Recovery's existence and a rough idea of what
8 their operation was about.

9 Q Do you happen to know whether members of the Board of
10 Water Commissioners were aware of the Solvents Recovery
11 Service operation at this time?

12 A All of the members of the Board of Water Commissioner
13 had -- Commissioners had been residents of Southington for
14 many years, and I assume that they were familiar with that
15 business.

16 Q Had pollutants surfaced in Well No. 4 by this time?
17 I -- I see that you're referring again to the
18 exhibit. I'm rather curious whether you have any
19 recollection of it outside of the document.

20 A I am attempting to tie down the date when we were --
21 when we discontinued use of Well No. 4.

22 MR. KELLEY: That is the answer. It ought to be
23 of help to him.

24 MS. PERCELL: Would you mark this?

25 MR. KELLEY: Question -- Answer 14, John, on Page

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1 9.

2 THE DEPONENT: Page 9?

3 MR. KELLEY: Yeah.

4 A Yes. As of December 27 -- 29, 1977, Well No. 4 was
5 taken out of service.

6 Q Was Well No. 4 taken out of service immediately when the
7 first sign of any pollutant was seen in the well?

8 A No. We held a meeting with the -- in the State Health
9 Department. And, the notes of that conference, I think you
10 have that as an exhibit; do you?

11 MR. KELLEY: They were yesterday.

12 A I think you probably got it yesterday.

13 Q We have several of these.

14 A At that --

15 MR. KELLEY: This is --

16 MS. PERCELL: This is later. This is January 18th,
17 '78, so that's after the --

18 MR. KELLEY: This is January of '78, John.

19 Q What time period was this meeting that you are
20 referring to?

21 A Would you repeat that, please?

22 Q What time period was the meeting you're referring to?

23 A January 18, 1978.

24 That doesn't tie in; does it?

25 (Deposition Exhibits Nos. 14 & 15 were marked for

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1 identification by the reporter.)

2 MR. KELLEY: Let's go off the record for a minute.

3 (Discussion off the record.)

4 MS. PERCELL: This is back on the record.

5 Q I'm going to show you a letter which has -- I'm going to
6 show you a letter which has some discussion of contamination
7 of Well No. 4. I'm attempting here to get some idea of the
8 time frame.

9 A Um-hum.

10 Q This letter is dated August 25th, 1976, from Richard
11 Woodhull and addressed to you.

12 MS. PERCELL: That's Exhibit No. 14.

13 MR. KELLEY: The date of that is?

14 MS. PERCELL: 8-25-76.

15 Q Let me back up and ask you something else.

16 In August of 1976, is it correct that Well No. 6
17 had been drilled but that the pump house had not yet been
18 built?

19 A This report indicates that the Production Well No. 6
20 was started August 23, 1965.

21 Q Which well are we talking about now?

22 A All right. That's No. 4. I beg your pardon.

23 Well No. 6, Production Well No. 6, was started
24 April 14, 1976, and completed July 16, 1976.

25 Q So, in August, the well had already been drilled; is

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1 that correct?

2 A It was being drilled. It was started April 14 and
3 completed in July. August, it would have been completed.

4 Q So, in August --

5 A Yes.

6 Q -- it would have been completed?

7 A Right.

8 Q Am I correct that the pumping station was constructed
9 after the completion --

10 A That is correct.

11 Q -- of the well?

12 A Yes.

13 Q And not -- and, it had not yet been completed in August?

14 A No.

15 Q Returning to Deposition Exhibit No. 14, am I correct
16 that this indicates that there was at least a slight amount
17 of mercury found --

18 MR. KELLEY: I think that speaks for itself.

19 Either it says it or it doesn't say it.

20 MS. PERCELL: Well, he's going to read it into the
21 record. I'm really trying to summarize it so we don't have
22 to read the entire paragraph.

23 Q I would like to know on the record whether the letter
24 indicates that mercury was found in Production Well No. 4.

25 A The letter indicates --

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1 Q Do you --

2 A -- that --

3 Q Do you recall that?

4 A Yes. I -- I recall this letter.

5 Q Did you have any discussions with anyone about the
6 presence of mercury in Well No. 4?

7 A At the present time, I don't recall that I did have.

8 Q Were you concerned about the presence of mercury in Well
9 No. 4?

10 A Yes. I'm sure I was.

11 Q Would you please read me the last sentence in the first
12 paragraph on the second page of that document?

13 A "When both the new well and Well No. 4 are in
14 production at the same time, one might expect the most
15 severe contamination to occur."

16 Q And, you -- that sentence and the rest of this letter
17 came to your attention in August of 1976?

18 A Yes.

19 Q Did that information or -- or statement from the State
20 Department of Health enter into your consideration of the
21 decision to complete construction of the pump station?

22 A It no doubt did.

23 Q So, you don't -- I'm trying to understand this. Do you
24 recall at this time whether you had any concern about that
25 statement then?

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1 A There was concern both on my part and Walter Amory's
2 office.

3 Q Do you recall discussing it with Walter Amory's firm?

4 A I don't recall any discussion of the subject, but I
5 believe that it was assumed that the contaminants would be
6 within the limits established by the Federal Safe Drinking
7 Water Act and the State Health Department.

8 Q Were any tests performed to determine whether, in fact,
9 if both wells were in production it would increase
10 contamination?

11 A Not that I recall, no.

12 Q The information that you received concerning mercury
13 and lead contamination, if any, you received from the State
14 Department of Health; is that correct?

15 A Yes.

16 Q Were you of the understanding or belief that these two
17 wells were close enough together that pumping one might have
18 an effect on pumping the other or on the water levels in the
19 other one?

20 A Yes.

21 Q I'm going to ask you to identify another letter. This
22 one is dated September 10th, 1976. It appears to be signed
23 by you and addressed to Mr. Melvin Schneidermeyer of the
24 Department -- Department of Environmental Protection.

25 Do you recall that letter?

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0006946

1 A Yes, I do.

2 Q Do you recall what prompted you to write that letter?

3 A Not at the moment, no.

4 Q Do you remember why you believed that there was a rather
5 serious pollution problem in the existing Well No. 4 and the
6 new Well No. 6?

7 A Samples taken had indicated that the wells were polluted
8 to a certain extent, and it was our hope to have Mr.
9 Schneidermeyer help us in the research and the problem that
10 we were facing.

11 Q What kind of help did you hope to get from the
12 Department of Environmental Protection?

13 A It was my understanding that that was a realm over which
14 they had control for the State of -- State of Connecticut
15 and that they were the ones that we would normally turn to
16 with such a problem.

17 Q What kind of help did you expect to get from them?

18 A Have them investigate as to where the pollutants were
19 coming from.

20 Q Did you actually have the meeting that you referred to
21 in this letter?

22 A Yes, we did.

23 Q Do you recall who was present at the meeting?

24 A Mr. Schneidermeyer was there. Mr. Curtiss was there,
25 and I was present. Mr. Marin, I believe, from their

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1 department was present. There was one or two others there,
2 but I can't recall who they might have been.

3 Q Can you relate to me the substance of the discussion at
4 that meeting?

5 A I assume that we discussed the information that we had
6 with regard to the pollutants in Well No. 4, Wells No. 4 and
7 6, and asked them to review their files with regard to the
8 condition of the Quinnipiac River as it flowed through
9 Southington and to make whatever effort they could to help
10 us determine exactly where the pollutants were coming from.

11 Q Did the test results at the time show Well No. 4 or Well
12 No. 6 to have a more serious problem?

13 A It's my recollection that No. 6 showed a larger
14 concentration than No. 4.

15 Q I'm wondering if this might refresh your recollection
16 on that point. This is a letter dated October 15th, 1976,
17 from Ray Jarema of the Connecticut State Department of Health
18 and addressed to you.

19 (Deposition Exhibit No. 16 was marked for
20 identification by the reporter.)

21 (Discussion off the record.)

22 A This letter indicates that the reverse -- the reverse is
23 true, that No. 4 was contaminated to a greater extent than
24 Well No. 6.

25 Q Do you have any recollection of that letter?

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0006948

1 A Well, I feel certain that I received the letter. It
2 was addressed to me, and I'm sure I did receive it.

3 Q This letter refers to contamination with hydrocarbons.
4 Is it your recollection that contamination with hydrocarbons
5 was discovered after contamination with lead and mercury?

6 A Yes. I believe that to be a fact.

7 Q Do you remember what space of time went by in between?

8 A It's my recollection that the lead and mercury was
9 discovered sometime in July or early August, and then the
10 hydrocarbons were picked up later.

11 Q And, obviously, at some time prior to October 15th,
12 which is the date of this letter?

13 A Yes.

14 Q Were both lead, mercury and hydrocarbons discovered in
15 both Wells 4 and 6 at approximately the same time?

16 A I'm not sure. Frankly, I'm not very sure.

17 Q Then, I show you another letter -- letter, this one
18 from Richard Woodhull and addressed to David Jacobsen of
19 Walter Amory, Consultant Engineer, and dated October 25th,
20 1976. This one does not reflect that a copy was sent to you,
21 but it may very well have been. And, I'd like to know if
22 you've seen it.

23 (Deposition Exhibit No. 17 was marked for
24 identification by the reporter.)

25 (Discussion off the record.)

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0006949

1 A I have a feeling that I didn't get a copy of this. I
2 think it would have been indicated that I did get a copy, and
3 I don't recall that I did.

4 Q Do you recall the recommendation that both wells be
5 monitored at monthly intervals?

6 A Yes.

7 Q Do you recall the recommendation that I -- it says here,
8 "We have cautioned the Southington Water Department that Well
9 No. 4 should be used sparingly and blended with Well No. 6."
10 Do you recall that?

11 A Yes.

12 Q Do you know why they believed that it should be
13 blended with water from Well No. 6?

14 A Well, it would reduce the amount of contaminants in
15 parts per billion or million to the point where they would
16 be within the Federal Safe Drinking Water standards.

17 Q I may be repeating, but because there was some confusion
18 earlier, let me clarify whether you're saying that Well No.
19 4 was more contaminated and, therefore, blending it with
20 Well No. 6 would reduce the overall level of contamination;
21 is that correct?

22 A That's correct. It's a dilution effect.

23 Q Let me ask you if you can identify this letter from
24 Walter Amory, Consultant Engineers, dated October 12th, 1976,
25 and addressed to Mr. Woodhull.

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1 (Deposition Exhibit No. 18 was marked for
2 identification by the reporter.)

3 A Yes. I recall this letter.

4 Q Let me just ask you: In the last paragraph, after
5 agreeing with the recommendation that Wells No. 4 and 6
6 should be monitored monthly, the author of the letter states,
7 "The town is reluctant to proceed with construction of the
8 pumping station for Well No. 6 unless there is reasonable
9 assurance that use of the well will be allowed."

10 Do you recall that the town -- that that's an
11 accurate statement, that the town was, in fact, reluctant
12 to proceed unless there was a reasonable assurance that the
13 well could be used?

14 A Yes. I recall that.

15 Q Was the concern at that point, then, that the State
16 Department of Health might not permit the well to be used?

17 A No. The tests show that the contaminants were below the
18 maximum allowable limit. So, we felt that it was prudent to
19 proceed with the construction of the pump house.

20 Q So, what was the nature of the concern being expressed
21 here when it says that the town is reluctant to proceed?

22 A Well, I -- I cannot answer that question.

23 Q Do you recall any concern or reluctance on your part or
24 the people who would make the ultimate decision at this
25 point?

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0006951

1 A No.

2 Q Is it true, then, that your conclusion was -- and,
3 again, maybe I'm just repeating something you said.

4 Is it true, then, that your conclusion is -- was at
5 that time that since the contaminants were below acceptable
6 limits that there was no reason not to proceed?

7 A That is true.

8 Q Let me ask you to identify this letter dated October
9 14th, 1976, from Walter Amory, Consultant Engineers, and
10 addressed, again, to you.

11 (Deposition Exhibit No. 19 was marked for
12 identification by the reporter.)

13 A Yes. I recognize the letter.

14 Q So, is it correct that, at this point, a decision had
15 been made to go ahead with construction of a pumping
16 station for Well No. 6?

17 A That is correct.

18 Q And, is it true, referring to Deposition Exhibit No. 15
19 again, that this is just over a month after you had referred
20 to a serious pollution problem?

21 A That is a fact.

22 Q Had anything changed in the interim to make you believe
23 that there was not a serious pollution problem?

24 I'm not -- you know, before you answer, let me
25 explain. I'm not -- I'm not trying to trap you. I'm trying

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1 to understand the decision-making process that was going on
2 at the time.

3 A Yes.

4 There was a concern. However, the tests, the
5 results of the samples taken at the pump test indicated that
6 the pollutants were within the maximum allowable limits as
7 established, at that time, by the Federal Safe Drinking Water
8 Act.

9 Q Again, during this period, did you give any serious
10 consideration to not going ahead with the pumping station?
11 Did you, in other words, reconsider the project?

12 A No.

13 Q Do you recall whether at the time you believed that the
14 pollution problem in Well No. 4 was serious enough that the
15 well might not be able to be used or shouldn't be used?

16 A No.

17 Q You -- you don't recall or is -- was that an incorrect
18 statement?

19 A No. There again, our decisions were based on the
20 results of tests taken from both wells which indicated that
21 the pollutants were within the safe allowable limits.

22 MS. PERCELL: Maybe we should take a --
23 Off the record.

24 (Discussion off the record.)

25 MS. PERCELL: Back on the record.

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1 Q Do you recall how long after the completion of the
2 drilling of the well that the pump station was constructed?

3 A I would have to refer to these notes.

4 Q Well, since we have those documents, also, that won't
5 really add anything to the information that I already have.

6 A No. I -- I can't add.

7 Q Do you remember whether it was a period of months or --

8 A No. As I recall, it went along rather rapidly after
9 the completion of the well.

10 Q Do you recall when the pump station was completed and
11 when the well was ready to be used?

12 A Not offhand. I'd have to refer to the record.

13 Q Okay. Can you give me just an estimate of time? Was it
14 a year after the completion of drilling or two years or
15 three months or --

16 A The record shows it completed as of July 16 -- wait a
17 minute now. That's the well. That's not the pump station.

18 Oh, my. I -- I can't recall.

19 Q Not even a guess as to whether it was weeks, months or
20 years?

21 A Oh, I would guess it was probably eight or 10 months.

22 Q Okay. Within a year.

23 Okay. I want to show you a document dated July 1,
24 1977. This is some eight or nine months after the last
25 document we looked at, according to its date. This is from

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1 Paul Marin of the Department of Environmental Protection and
2 addressed to you.

3 MS. PERCELL: Let me just ask the reporter to
4 identify it.

5 (Deposition Exhibit No. 20 was marked for
6 identification by the reporter.)

7 (Discussion off the record.)

8 A Yes. I recall the letter.

9 Q Can you tell me or give me any identification of the two
10 monitor wells referred to that the Water Department was to
11 install?

12 Well, first, were they installed? This seems to
13 express an intent to install them.

14 A It's my recollection that they were installed, yes.

15 Q Do you remember how they were identified?

16 A No. I don't recall how they were identified. They were
17 not too far from Well No. 6 to the north. One well, as I
18 recall, was about a hundred feet away to the northeast of
19 Well No. 6, and the second was slightly northwest and about
20 a hundred feet away.

21 Q Were they close to any earlier test wells?

22 A Close to what?

23 Q Were they close by any of the earlier test wells?

24 A Well, the original test well that identified the well
25 site of Well 6 was removed, so that was the nearest one, yes.

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1 Q I see.

2 Do you recall the name of the company that
3 constructed the pumping station for Well No. 6?

4 A Not offhand, no.

5 Q Could it have been Community Construction, Inc.?

6 A Yes. Yes, it was.

7 MS. PERCELL: Let me have this one marked for
8 identification, also. It's a letter dated October 19th, 1977,
9 on Community Construction, Inc. letterhead and addressed to
10 Walter Amory.

11 (Deposition Exhibit No. 21 was marked for
12 identification by the reporter.)

13 (Discussion off the record.)

14 A I don't recall seeing this letter.

15 Q The letter states that the work was basically complete -
16 and, the reference seems to be the construction of the well
17 pumping station - toward the end of October of 1977. Does
18 that agree with your recollection?

19 A It sounds correct, yes.

20 Q In -- at that point, in late October, 1977, were -- was
21 the well in such a condition that it could then have been
22 used? Was it ready for use, or was there some other
23 construction that had to take place?

24 A The -- the discharge main, as I recall, may not have
25 been completed at that time.

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1 Q The -- I'm sorry; what may not have been completed?

2 A The discharge main, in other words, the water main
3 connecting the well pumping station to the distribution
4 system.

5 Q I don't have any -- anything in my file that I recall
6 that would indicate when that was completed. Do you have any
7 recollection?

8 A It was built by our own forces, and it's my recollection
9 that it was completed and ready to use when the well was
10 ready to put into use.

11 Q And, do you remember when that was?

12 A More than likely, it was late in '77, in October of 1977.

13 Q I'd like to show you a letter addressed to you, dated
14 November 14th, 1977, from Paul Marin of the Department of
15 Environmental Protection.

16 (Deposition Exhibit No. 22 was marked for
17 identification by the reporter.)

18 (Discussion off the record.)

19 A Yes. I recall this letter.

20 Q It states in the first paragraph that, "No drinking
21 water standards were exceeded in any of the samples, but once
22 pumping begins, water quality may worsen." Do you recall
23 that?

24 A Yes.

25 Q I gather, from some other things in the documents, that

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1 you would have known that earlier, that there was a
2 possibility that once pumping begins, water quality may
3 worsen; is that true?

4 A That is correct.

5 Q Did you have any discussions with anyone during the
6 course of 1977, to the best of your recollection, concerning
7 your concern or the concern of the State Department of Health
8 that once pumping began, that the water quality in Well No. 6
9 might worsen?

10 A I don't recall any definite discussions. However, I
11 believe more than likely the subject was discussed with
12 Walter Amory.

13 Q Do you remember anything about such a discussion, the --
14 the context --

15 A No.

16 Q -- in which it arose or what any person said?

17 A No, I don't.

18 Q What reason do you have for thinking such a
19 conversation must have taken place then?

20 A I'm sorry; I didn't hear you.

21 Q I'm sorry.

22 What reason, then, do you have for thinking that
23 there must have been such a conversation?

24 A Well, Mr. Woodhull's letter pointed that out to us
25 early, and the whole subject was discussed. And, now Paul

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1 Marin again brought up the same point. It was very likely
2 that we did discuss this.

3 MS. PERCELL: I omitted an earlier report that has
4 a reference relevant to that, so I'd like to go back to it.

5 Perhaps I could have this one identified. This is
6 a report to the Board of Water Commissioners, Southington,
7 Connecticut, on the construction of Well No. 6, and it's
8 dated November 12th, 1976, and begins with a letter on Walter
9 Amory stationery.

10 (Deposition Exhibit No. 23 was marked for
11 identification by the reporter.)

12 (Discussion off the record.)

13 A Yes. I recall it.

14 Q Let me just take a quick look at it.

15 A (Gesturing.)

16 Q Beginning on Page 7, there is a section entitled Water
17 Quality, and I'd like to ask you if you recall the statement
18 at the end of the first paragraph.

19 A Yes, I do.

20 Q So that is that in reference to Well 4 or Well 6?

21 A No, this is No. 6.

22 Q So that you knew, as of November 12, '76, the date of
23 the report, or sometime shortly after that, that pumping
24 tended to bring certain metals into the well?

25 A That's correct.

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1 Q On the following page, if my recollection serves, there's
2 a reference to a pumping test in which Well No. 4 was
3 operated while testing No. 6. I'm wondering if you know why
4 the decision was made to operate Well No. 4 throughout that
5 pumping test.

6 A I do recall that Walter did specify that he wanted Well
7 No. 4 running, but I couldn't tell you why he indicated
8 that.

9 Q So, that would have been a decision or a recommendation
10 made by Walter Amory?

11 A Yes. I believe that is a fact.

12 Q Okay. Let me just --

13 A (Gesturing.)

14 Q On Page 9, there's a section headed Recommendations.
15 Perhaps you'd take a minute to read the rest of that page
16 and the beginning of the following one.

17 MS. PERCELL: Off the record.

18 (Discussion off the record.)

19 MS. PERCELL: Okay.

20 Q My question is whether you recall whether my
21 understanding is correct that Walter Amory had two reasons
22 for recommending a lower pumping rate in Well No. 6. As I
23 understand this, the first -- he had two reasons. The first
24 one was the tendency for fine sands to migrate into the well
25 at a high pumping rate.

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1 And, the second reason was that - and, here I'm
2 quoting - "These metals were present" - these metals
3 referring to mercury and lead - "were present in excessive
4 amounts when the well was pumped at 1,403 gallons per minute.
5 However, with a lower pumping rate, 1,000 gallons per minute
6 used during the September test, they were below the maximum
7 limit."

8 Is my understanding correct that Walter Amory had
9 these two reasons for recommending the lower pumping rate?

10 A That's correct.

11 Q I have one more question on this one: On Page 11 of
12 this letter, Walter Amory expresses his appreciation for the
13 assistance that you had provided in connection with -- with
14 that report. I'm wondering if you can tell me what
15 assistance you provided, what kinds of assistance.

16 A I had attempted to cooperate with Walter and his
17 engineers and to have my -- those employees under me
18 cooperate with them in any way that we could in the way of
19 taking samples, providing them with information or help in --
20 in the entire project.

21 Q Were you the person who communicated on behalf of the
22 Board of Water Commissioners with Walter Amory?

23 A Most of the time, yes. There were -- I'm sure you have
24 in your records the minutes of the meetings where Walter did
25 appear and report directly to the Board. Other than that,

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1 most of the communications were between myself and Walter.

2 Q Did you, then, report back to the Board of Water
3 Commissioners as to progress in construction and so on?

4 A I think the minutes of the meeting will indicate when
5 I made reports to them. Bear in mind that under normal
6 conditions they met only on a monthly basis.

7 Q Um-hum.

8 A And, it was at those meetings that I made reports to
9 them, and that would have been indicated -- was indicated in
10 the minutes of the meeting.

11 Q So, you didn't -- on a normal basis, you didn't contact
12 members of the Board of Water Commissioners --

13 A No.

14 Q -- in between those meetings?

15 A No. They were all active in their own endeavors, and
16 it was not my policy to talk with them individually, only as
17 a group when they met officially.

18 Q I'd like to ask you if you remember these notes of a
19 conference dated December 21, 1977, which show that you were
20 present at that conference.

21 (Deposition Exhibit No. 24 was marked for
22 identification by the reporter.)

23 (Discussion off the record.)

24 A Yes. I recall this meeting.

25 Q Do you recall anything that took place at this meeting

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1 that isn't reflected in these notes?

2 A Would you repeat that, please?

3 Q Do you recall anything that took place at that meeting
4 that is not reflected in those notes?

5 A No. As I recall, this covers the meeting quite
6 adequately.

7 Q And, you don't see anything in there that is inaccurate,
8 to your recollection?

9 A No.

10 Q So, it's correct that at this point organohalides had
11 been found in significant amounts in Well No. 4 and small
12 amounts in Well No. 6?

13 A Right.

14 Q It also states here that the Southington Waterworks
15 Department had stated that Well No. 6 would probably go on
16 line in about a week. Do you recall whether, in fact, it did
17 go on line a week -- a week after a meeting dated December
18 21, 1977?

19 A Yes, I believe it did. I believe it did.

20 Q Was it in actual production, or was it merely ready to
21 be used?

22 A No. I believe it was actually put into service at that
23 time.

24 Q Was Well No. 4 still being used?

25 A I'm under the impression that Well No. 4 had been shut

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1 down.

2 Q And, do you remember how much earlier?

3 A No, I don't. I would have to review the records to
4 determine.

5 MS. PERCELL: I'd like to have these notes of
6 conference, dated January 18th, 1978, marked for
7 identification.

8 Q I believe that's identical to the copy you have there,
9 but perhaps you could check and -- and see if I'm correct.

10 A Yes. It's the same.

11 (Deposition Exhibit No. 25 was marked for
12 identification by the reporter.)

13 (Discussion off the record.)

14 Q In the middle of the second page of these conference
15 notes, it describes Mr. Marin's description of the history of
16 Solvents Recovery's activity. Do you recall him giving that
17 description to this meeting?

18 A Yes. I was present, yes, and I do recall.

19 Q The notes state that Dr. Gura reported that as of the
20 early 1960s, the private well on Solvents -- Solvents
21 Recovery Service property was contaminated. Do you recall
22 that, knowing that the private well on Solvents' property
23 was contaminated?

24 A I recall his making that statement. That's correct.

25 Q Do you remember having heard that at any earlier time?

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1 A No.

2 Q Do you remember -- is your recollection that this was
3 the first time that you had ever heard that that private well
4 was contaminated?

5 A Yes. Yes, it is.

6 Q On the third page, in the second paragraph, the memo
7 indicates that Mr. Woodhull stated that Well No. 4 could only
8 be used if public notice was given of its contamination. Do
9 you recall that?

10 A Yes.

11 Q What did you or the Board of Water Commissioners do in
12 that connection?

13 A It's my recollection that we discontinued use of Well
14 No. 4 at that time in lieu of going to public notification.
15 I, frankly, felt very uncomfortable about telling the public
16 that we were giving them contaminated water and chose to
17 shut the well down.

18 Q Were you concerned at that point -- that following
19 sentence indicates that public notice might later be
20 required for Well No. 6. Did that concern you at that time?

21 A Yes.

22 Q Did you do anything in regard to Well No. 6 at that
23 time?

24 A No.

25 Q You earlier gave, I believe, the date that you retired.

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- 1 Am I correct that that's August 12th, 1978?
- 2 A Yes.
- 3 Q Who succeeded you as superintendent?
- 4 A Daniel Christy.
- 5 Q Did he begin work before you left?
- 6 A Yes. I can't tell you how --
- 7 Q How long --
- 8 A -- how much before.
- 9 Q Did you show him around the place and tell him about
- 10 the operation?
- 11 A Yes, I did.
- 12 Q Did you brief him on the prior events and things that
- 13 he should know about?
- 14 A I attempted to bring him up to date on all -- all
- 15 aspects of the operation and the problems facing the
- 16 department.
- 17 Q So, that would include descriptions of the wells that
- 18 were in existence?
- 19 A That is correct.
- 20 Q And, it would include contamination problems in a
- 21 couple of wells?
- 22 A Yes.
- 23 Q Did you envision, at that point, any supply problems?
- 24 A Yes. There was one problem that was paramount with
- 25 regard to the supply. The Safe Drinking Water Act required

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1 that the surface supply be filtered or abandoned. A study
2 had been made by Camp, Dresser & McKee as to the
3 feasibility of building a filtration plant for the surface
4 supply. That report indicated that the cost of a filtration
5 plant might be in the range of \$1 million. That amount
6 exceeded what you might expect an additional well supply
7 would cost.

8 Q Was a large percentage of your water supply at that
9 point surface water?

10 A No. The surface supply was -- had a safe allowable
11 limit of some 800,000 gallons per day, slightly under
12 one million gallons.

13 Q Safe in what sense?

14 A Well, the reservoirs, based on the watershed area, have
15 a certain given estimated runoff which resolves itself into
16 what is considered a safe yield. There are periods under
17 normal weather conditions when that safe yield would be
18 exceeded. But, that safe yield normally is set at a limit
19 to cover a dry year. As has been experienced by many --
20 many departments, sometimes that safe yield is larger than
21 what the department would experience.

22 Q At the point that the decision was made to discontinue
23 use of Well No. 4 rather than give public notice but to
24 continue using Well No. 6 for some period, were -- was there
25 a concern about whether there would be sufficient water

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1 supply?

2 A Yes. Yes, there was. And, for that reason, steps were
3 taken to look for additional supplies, and this was done
4 before I retired. Tests were made out in the section north
5 of East -- East Street, E-A-S-T, and later that's where
6 Wells 7 and 8 have been developed.

7 MS. PERCELL: Well, I'm getting close to the end.

8 Q I'd like to show you a letter from Walter Amory,
9 Consultant Engineers, dated August 8th, 1978, and addressed
10 to Daniel Christy.

11 (Deposition Exhibit No. 26 was marked for
12 identification by the reporter.)

13 Q The date of this letter appears to be just a few days
14 before your retirement. Did you ever see this letter?

15 A No. I don't recall seeing this letter.

16 Q In the last paragraph of the second page, there's an
17 indication that Walter Amory, who incidentally identified
18 this document, believes that there was a source of
19 pollution south - let me; it's hard to remember it - "The
20 source of pollution south of the Quinipiac River near Well
21 No. 4, which is a principal cause of pollution in that well."
22 Do you recall the substance of that information? Do you
23 agree with it?

24 MR. KELLEY: Well, I don't know that he's
25 qualified to answer that.

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1 Q Do you recall discussions concerning that?

2 A It is my recollection that Paul Marin took some samples
3 in the area south of Well No. 4 and indicated that some of
4 the pollution might be coming from that direction.

5 Q Do you remember discussing that with Daniel Christy?

6 A No, I don't.

7 Q The next document that I'd like to show you is a memo,
8 an interdepartmental memorandum from Paul Marin to the file,
9 dated August 17th, 1978. It appears to describe a meeting
10 which took place on August 10th, 1978, and it reflects both
11 your presence and the presence of Daniel Christy.

12 (Deposition Exhibit No. 27 was marked for
13 identification by the reporter.)

14 Q Do you recall this meeting?

15 A Yes, I do.

16 Q Can you tell me something about the context of this
17 meeting? Was this -- or the purpose of this meeting?

18 A Well, as indicated in the report, it was a way of
19 bringing the new superintendent up to date on conditions
20 that existed in Wells No. 4 and 6.

21 Q Do you remember a discussion of a major source of
22 contamination which existed west of Well No. 4?

23 A I don't remember that, no. Certainly, I was present,
24 but probably mentally relaxed by that time.

25 Q Do you remember whether Daniel Christy was concerned

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1 about the sources or extent of contamination?

2 A I'm sure he was.

3 Q I'm going to show you another memo which is dated after
4 you left but may refer to events that you know about. It's
5 from Paul Marin to Robert B. Taylor, both of the Department
6 of Environmental Protection, Water Compliance, dated
7 October 19th, '78.

8 (Deposition Exhibit No. 28 was marked for
9 identification by the reporter.)

10 (Discussion off the record.)

11 Q Perhaps I should direct your attention to a portion of
12 this, since I don't know whether you're familiar with all of
13 the contents. Have you, by chance, ever seen this
14 memorandum before?

15 A No. That information was not available to me while I
16 was there.

17 Q I particularly would like to address your attention to
18 the second paragraph on Page 2, which makes reference to two
19 possible sources of pollution.

20 Had you ever heard of this chrome-plating firm
21 that's referred to there?

22 A When Mr. Marin produced the information that
23 contamination might be coming from a point south of Well No.
24 4, I inquired as to what type of a plant was there, and it's
25 my recollection that I talked to Commissioner Mongillo about

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1 the problem and he told me that there was a machine shop in
2 there at one time. The name of the company I didn't know.
3 They state here that it was Supreme Lake Company. And,
4 that's the extent of my knowledge.

5 Q Can you remember approximately when that conversation
6 took place?

7 A Well, it would have been shortly after Paul Marin
8 produced the possibility that contamination could have been
9 coming from that area. I -- I couldn't state offhand,
10 though.

11 Q Do you recall mention of any other sources, potential
12 or possible sources, south or west of Well --

13 A No.

14 Q -- Well No. 4?

15 A No. No.

16 Q I want to return to Deposition Exhibit No. 27, in
17 which a meeting is discussed at which you were present.

18 Approximately the middle of the page, there is a
19 reference to a fear on the part of -- of Amory in which the
20 author concurs. Could you take a look at that and tell me
21 if you recall that conversation?

22 A It is my recollection that Walter Amory felt there was
23 a possibility that by pumping Well No. 4 to waste that the
24 contamination of Well No. 6 might be eliminated or even
25 reduced. And, I think that is somewhere in your reports.

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1 Q Can you explain your understanding of what that would
2 reduce the contamination of Well No. 6?

3 MR. KELLEY: If you know.

4 Q If you know, that's why I put it that way.

5 A Yes. It was Walter's belief that you -- that the
6 direction of the flow of water through the aquifer would be
7 changed in such a way that Well No. 6 might be not -- might
8 not be affected by the pollutants. Other than that, I can't
9 tell you what he proposed.

10 Q Had you, at the time, formed an opinion as to whether --
11 I'm -- let me interrupt myself.

12 I'm trying to determine how much you knew about the
13 theory at the time. Did you know about it well enough to
14 have formed an opinion as to whether he was right or might
15 be right?

16 A No. No, it was a possibility that he threw out.

17 I might also state that once these pollutions --
18 pollutants were discovered in Wells No. 4 and 6, the question
19 was raised, more than likely by the Board of Water
20 Commissioners, can anything be done to protect the supplies
21 or correct the problem. And, you'll note here somewhere
22 they mention filtration and curtain wells and pumping No. 4
23 to waste. These were all discussed to see if there was a
24 possibility that the pollutants could be diverted away from
25 the source.

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1 Q Do you know whether that scheme was ever carried out,
2 to try pumping Well No. 4 to waste?

3 A No, I don't. No, I don't know what, if anything, was
4 done about that.

5 Q Who would have made the decision to do that kind of an
6 experiment?

7 Maybe I'm -- I don't mean to characterize it --

8 A Yes.

9 Q -- inaccurately if it wasn't -- if experiment wasn't
10 right.

11 A Yes.

12 Q But, that kind of a thing.

13 A Well, the decision probably would have been made as a
14 result of a discussion with Walter Amory and Dan Christy.
15 And, if it was felt that such an idea was worth exploring
16 and -- and more than likely moneys would be required, then
17 it would be necessary to go to the Board of Water
18 Commissioners for their approval to approve the expenditure
19 of any sums for such work.

20 Q Were there decisions made that did not involve the
21 expenditures of sums that it was necessary to take to the
22 Board of Water Commissioners?

23 A Yes. Yes. The Board of Water Commissioners are
24 representatives of the public, but they depend on the
25 superintendent to make decisions. That's correct.

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1 Q Other than financial expenditures, what kinds of
2 decisions would they make rather than the superintendent, if
3 any?

4 A Well, just offhand, I can't think of -- I think you
5 would, perhaps, best classify the decisions made by the
6 superintendent as being normal, routine matters covering a
7 normal, routine operation.

8 Q The suggestion that Well 4 be pumped to waste, was that --
9 that was made while you were still the superintendent? The
10 suggestion was made while you were still superintendent; is
11 that correct?

12 A Yes.

13 Q But, the decision was not made while you were still the
14 superintendent?

15 A No.

16 Q So, it's your understanding that that decision would
17 have been made between Daniel Christy and Walter Amory?

18 A More than likely.

19 Q Did you discuss it with Daniel Christy, to your
20 recollection?

21 A I don't recall that I did, no.

22 Q Did you have very many discussions with Daniel Christy?

23 A Yes. I spent considerable time with him. I wish I
24 could remember; I think he was supposed to come and spend a
25 month with me, but because of his obligations in New Jersey,

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1 he only came something like two weeks. But, during that two
2 weeks, we tried to cover all the ground that was there.

3 Q Can you give me a general idea of what other kinds of
4 problems or issues or things that you would have had to have
5 discussed with Daniel Christy? I mean just, you know,
6 generally, what kinds of subjects?

7 A Yes. Well, the management field covers union
8 negotiations, which we were in the midst of at the time I
9 left, the personnel of -- capabilities of the different
10 individuals that he was to be working with, more than likely
11 the nature of some of the bosses that we had on the Board of
12 Water Commissioners.

13 Q Which I will resist the temptation to ask you about.

14 And, that's in addition to physical matters of
15 water supplies and --

16 A The availability of Mr. Bowers, who had been
17 superintendent of the water system for some 34 years, his
18 extensive knowledge and willingness to help.

19 Q And, he was, therefore, still available at this point
20 to --

21 A Yes.

22 Q -- discuss matters with Dan Christy?

23 A I even had a pleasant visit with him this last Tuesday
24 when I was in Connecticut, still alert and capable and going
25 strong.

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1 Q How old is Mr. Bowers now?

2 A I don't know.

3 THE DEPONENT: Dave, do you know?

4 MR. KELLEY: 75, at least.

5 He just had to retire as --

6 MS. PERCELL: Hmm?

7 MR. KELLEY: He just had to retire as chairman of
8 the board of directors of the savings bank because of
9 mandatory retirement at 75.

10 Q I apologize if I'm repeating myself.

11 Do you remember any specific conversations with
12 Daniel Christy with regard to contamination of Well No. 6?

13 A No, I don't.

14 Q Do you assume you must have discussed it and just don't
15 remember it, or do you remember not having discussed it?

16 A Oh, I'm sure it was discussed, but I don't remember the
17 details of the discussion.

18 MS. PERCELL: I have no further questions.

19 I wanted to make one statement for the record,
20 which was that Austin Carey, who represents the Connecticut
21 Fund for the Environment and other individuals and another
22 group was present at a deposition yesterday and indicated
23 that he did not intend to be here today.

24 I have nothing else.

25 Do you have any questions?

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1 MR. BLUMSTEIN: I'd like if I could take a few
2 minutes just to review my notes before.

3 MS. PERCELL: Why don't we take a break then?

4 (Discussion off the record.)

5 MR. BLUMSTEIN: I won't have any questions.

6 MS. PERCELL: If you don't mind, let me just ask a
7 quick one.

8 It involves identification of a letter addressed to
9 Daniel Christy from Walter Amory, Consultant Engineers,
10 dated August 10th, 1978.

11 (Deposition Exhibit No. 29 was marked for
12 identification by the reporter.)

13 (Discussion off the record.)

14 Q Again, this letter is addressed to Daniel Christy, but
15 it's just a couple of days before your retirement, and you
16 may have some knowledge of its contents. Do you recognize
17 the letter?

18 A Here again, I don't recall seeing this letter.

19 Q Let me ask you --

20 A It more than likely arrived after I left Southington.

21 Q Let me ask you about the substance of the first
22 paragraph underneath the heading Well No. 4. Do you
23 remember any discussions with Walter Amory or remember that --
24 otherwise remember the substance of that paragraph?

25 A Well, it's my recollection that I was of the same

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1 sentiments that Walter was with regard to No. 4. He states
2 that the pollution was coming from an unknown source, but
3 also that it could be a threat to Well No. 6.

4 At that time, we had no knowledge of what the flow
5 pattern was of the aquifer around Wells No. 4 and No. 6.
6 Therefore, it wasn't easy to determine from what source the
7 pollutants were coming.

8 Q Okay. I understand.

9 MS. PERCELL: And, I have no further questions.

10 MR. BLUMSTEIN: Perhaps, if I could just ask one
11 question.

12 I guess for the record, my name is Joel Blumstein,
13 and I work with the Environmental Protection Agency in
14 Boston, Region One, and we are the plaintiffs in the case
15 against Solvents Recovery Service of New England.

16 EXAMINATION

17 BY MR. BLUMSTEIN:

18 Q Just a second ago, you said that -- that you were of the
19 same sentiments as -- as Walter Amory regarding the source
20 of contamination of Well No. 4. On what did you base those
21 sentiments?

22 What -- in other words, what types of
23 investigation did you do then that led you to have the same
24 sentiments as Mr. Amory?

25 A Well, the various reports had been coming in as we

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1 progressed with Well No. 6 indicating the various
2 concentrations of pollutants. And, then the same thing was
3 true with Well No. 4. I had access to the same information
4 that Walter had and would reach similar conclusions that he
5 did.

6 Q Could you give me a little more detail as to what those
7 sorts of information were that led you to agree or that led
8 both you and he to reach the same conclusions about the
9 source of contamination?

10 A Well, Paul -- Paul Marin's report as a result of his
11 samples indicated that there was more than one source of
12 pollution that should be considered. I think probably that
13 has as much weight as anything.

14 Q Okay.

15 MR. BLUMSTEIN: Thank you.

16 MS. PERCELL: I guess we're done.

17 (The deposition was concluded at 1:33 P.M.)

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CERTIFICATE

I, M. H. Waldron, Jr., a Notary Public in and for the State of Maine, hereby certify that on the 2nd day of October, 1981, personally appeared before me at the Holiday Inn West, 81 Riverside Street, Portland, Maine, at 10:21 A.M., JOHN L. BEAN, the within-named deponent, who was sworn to testify the truth, the whole truth and nothing but the truth, in the cause of action United States of America, versus Solvents Recovery Service of New England, now pending in the United States District Court, District of Connecticut.

I further certify that this deposition was stenographically reported by me and later reduced to typewriting, and the foregoing is a full and true record of the testimony given by the deponent.

I further certify that I am a disinterested person in the event or outcome of the above-named cause of action.

IN WITNESS WHEREOF I subscribe my hand and affix my seal this 20th day of October, 1981.

Dated at Cumberland Center, Maine.

s/M. H. Waldron, Jr.

Notary Public

My Commission Expires
May 10, 1984.

MARSHALL H. WALDRON, JR.

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